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SUMMARY RECORD OF THE 493rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 2 October 1998, at 10 a.m.

Chairperson: Miss MASON

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The meeting was called to order at 10 a.m.

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 44 OF THE CONVENTION (agenda item 4) (continued)

Initial Report of Thailand (continued) (CRC/C/11/Add.13; HRI/CORE/1/Add.78; CRC/C/Q/THA/1; written replies by the Government of Thailand concerning the list of issues)

1. At the invitation of the Chairperson, the members of the delegation of Thailand resumed their places at the Committee table.

2. Ms. CHUTIKUL (Thailand) said that she would call on the members of her delegation in turn to answer the Committee's questions on matters of particular concern to them. She would call first on the two young members of the delegation to answer the questions that had been addressed to them specifically.

3. Ms. LOHAKITJA (Thailand) said, in response to the question about counselling in school, that each class had a student adviser and that counselling was also provided on relationships and self-knowledge. In response to the question about AIDS education in school, she said that the subject formed part of general health education. There was also a public relations campaign in the school, as well as on radio and television, and posters were displayed about AIDS prevention and on living with AIDS sufferers. To the question about pornography, she said that it was still very prevalent, being readily available through comic books and cartoons as well as on the Internet. Her school had tried to censor material coming into the school by searching students' bags for drugs and pornography. However, that might be regarded as a violation of the right to privacy. To questions about leisure time, she said that various group activities were organized after school, including sports and music. Sometimes, at weekends, students saw films. She was herself a member of a school committee working with the private sector in support of leisure-time activities. Student camps had been organized with the help of the YMCA.

4. To the question about what she would do after returning to Thailand, she said that she would help to disseminate knowledge about children's rights at school through a special closed television circuit. She would also try to spread the information to the community at large. Through the National Youth Bureau, she hoped to engage in various activities in Bangkok and the provinces. With regard to changes that might have occurred within the family because of the economic crisis, she said that her family had not been too much affected and family relations remained the same as before, with much time spent together.

5. Mr. PUKJAI (Thailand) said that his school had special advisers on the satellite learning network. Students received guidance about the use of the system and also advice on careers after completing their education. AIDS education formed part of regular health education classes. Posters were also displayed in the school about living with AIDS patients. Pornography was less prevalent at the regional level and there was little of it actually in the school. Since his was a boarding school, leisure-time activities were chiefly

confined to school premises. At the weekends, students could engage in self-employment activities or non-compulsory training programmes in agriculture and forestry. Monthly activities were also organized through student committees, sometimes with the idea of fund-raising to help the students with their expenses.

6. As to what he intended to do on his return, he said that his school was part of a network of 30 schools linked to the satellite education system. He intended to talk about children's rights via the satellite and to disseminate information about the Convention, perhaps by means of interviews on the provincial news channel. Students at boarding schools like his own were not too much affected by the economic crisis: their meals and accommodation were still free. He believed that day students were more affected but scholarships were available to help them. As to whether he had been consulted about his parents' separation, he said that they had not asked him about it and he did not know, until an aunt came to tell him, that his mother had left home.

7. The CHAIRPERSON, on behalf of her colleagues, thanked the two student members of the delegation for their contribution to the dialogue. The Committee did not often enjoy such interaction with the objects of its special responsibility. It was particularly helpful and useful to hear the views of young people in their own voice. She wished them both every success in the future.

8. Mr. MUNTABHORN (Thailand) said that a major question had been asked regarding the best interests of the child and its link to the rest of the Convention. While the principle of the best interests of the child had to some extent been integrated into Thai law, policy and practice, more needed to be done to promote its application in reality. It had influenced and was reflected in various Thai laws, including the new Constitution. For example, section 53 of the Constitution advocated that the State should protect children against violence and unfair treatment. It was supported by a further section advocating equality between men and women and the need to develop children accordingly. There was also a new Child Welfare Act currently before Parliament which aimed for a more child-sensitive approach. It would impose clearer duties on parents to respond to the child's needs, and would promote support to families through the establishment of a State-supported Welfare Fund and a national committee to supervise its implementation. A key principle under the Act was seen in its section 1, which stated explicitly that ministerial rules and regulations had to bear in mind the child's best interests.

9. Regarding the application of the principle by the judiciary, he said that it was especially catalytic in cases of divorce and adoption, which were linked to respect for the views of the child. The legislation on adoption required the courts involved to hear the views of children over 15. In the case of children under that age, the court had discretion to listen to the child as a means of determining its best interests. In practice, however, much more needed to be done to counter the general perception that it was the interests of adults that should prevail. Thai courts, therefore, needed to be more participatory and transparent. At present, court decisions were not

automatically published. In future, more publication was needed at all levels to make it possible to assess the extent to which the courts integrated the principle into their deliberations.

10. As far as the linkage between the key principles of the child's best interests, non-discrimination, the child's right to survival and development and respect for the views of the child was concerned, a more holistic approach needed to be infused into national law, policy and practice. Many elements of local culture were still antithetical to the notion of respect for the views of the child. Budgetary allocations to promote the survival and development of children would need to be maximized. The principle of non-discrimination needed to be integrated even more effectively into the national framework. One Committee member had asked why chapter 3 of the Constitution referred only to the rights and liberties of the Thai people. During its drafting, many non-governmental organizations (NGOs) had wished to discard the reference to the Thai people so that the chapter would refer to the rights and liberties of all persons, but that view had not prevailed. Other chapters and sections were broader in approach and based on non-discrimination. Much remained to be done to promote it, however, and especially to address the concerns of non-nationals. Mindsets needed to be changed and the rights of all children put at the top of the personal and national agenda of Thailand, irrespective of the child's origin.

11. Mrs. SUWANSATIT (Thailand) said, in response to a number of questions about education in children's rights, that the aim of the Ministry of Education was to make the teaching of children's rights part of general human rights education, to be based not just on knowledge but also on experience through practice in ensuring respect for those rights throughout the school system. In connection with the celebration in Thailand of the fiftieth anniversary of the Declaration on Human Rights, the Ministry was in the process of preparing a draft National Plan for Human Rights Education, which would encompass general human rights, the rights of children and other related rights set out in the Declaration and other human rights instruments, as well as those in the new national Constitution. In doing so, the Ministry was aiming to set rights education in the Thai context, thus making it more relevant and tangible to teachers and students. It was hoped that the plan would include guidelines for the human rights curriculum at all levels of the school system, as well as in the non-formal education system, and for the special training of people in some key professions. It was hoped to create a network of the human rights teachers and resource persons. The national universities, UNICEF, UNESCO and such non-governmental organizations as Amnesty International had helped in the training of a core group of teachers. They would be the Ministry's partners when hearings were held on the National Plan before the end of the year. Lastly, it was hoped to create a network of schools specializing in human rights education, making use of existing networks such as the child welfare schools in the provinces, one of which was attended by Mr. Pukjai, and the so-called "White" schools which were supposed to be free of drugs, violence and pornography. The Ministry was determined to ensure that children's rights were respected in the classroom and in all school activities.

12. In response to the questions about education for the handicapped, she said that the 1991 Rehabilitation of the Disabled Act provided a good

framework for the provision of basic services to the disabled, including health and education. Thai schools were required to give a place to any student with a disability card. Teachers could then help to refer the student to a special school for a particular disability or organize an integrated class. Teachers could apply for special training in teaching the disabled and teachers with large numbers of disabled children in their classes received extra pay.

13. In response to the questions about corporal punishment, she said that she agreed with the members of the Committee that corporal punishment was highly undesirable and harmful to children and should be abolished. It was already an important issue of public debate in Thailand. The Ministry welcomed action by parents and the press in helping to guard against the practice of corporal punishment in schools. It was in the process of preparing new regulations for children's rights in school, which, when adopted, would include protection against both physical and verbal abuse of children by teachers. The draft regulations had been submitted to a recent meeting of the National Commission for Teachers, at which they had unfortunately been greeted by some suspicion on the part of teachers. The teachers' representatives on the Commission had expressed strong reservations about the need for regulations of that kind. The draft had not been withdrawn, however, but it was being revised. In the meantime, the key to preventing the practice was public opinion. Teachers and parents had to be persuaded to recognize that in the long run it would be better to have an alternative means of encouraging good behaviour.

14. Mr. ROUJANAVONG (Thailand) said that the rights of the Thai people referred to in the section of the new Constitution mentioned by Mr. Muntabhorn could be divided into three categories: these rights that were universal, rights that the wording implied would be for the Thai people only, and rights which were explicitly reserved for Thai nationals, such as the right not to be forced to leave the country. It was hoped that the Constitutional Court would have an opportunity to interpret the section and determine which rights were for everyone.

15. In reply to the question about the prosecutor's role in representing the child in a case brought against the child's parents, he explained that, in order to preserve the integrity of Thai culture and prevent a child from having to confront his parents directly in a civil or criminal case, whenever a child had a problem of abuse or unfair treatment the prosecutor acted as a buffer or middleman, and, if it was determined that a case had to be brought, it was the prosecutor who made the charge and not the child. The system had worked well hitherto.

16. A question had been asked about the application of special protection measures in the provinces. The Office of the Attorney-General, working with the National Youth Bureau and the NGOs, had set up a Central Office for Protection Measures in Bangkok. However, district prosecutors' offices were spread throughout the country and those offices were able to provide legal aid to serve all the people. One of their duties was to ensure special protection measures.

17. Regarding adoption, he said that a strict process had to be gone through before an adoption could be legally registered. Permission had to be sought first from the Social Welfare Department. There was also a careful follow-up and, unless the adopters were immediate relatives, there would be a six-month period of probation before the adoption could be registered. Where Muslims were in the majority, as they were in the four southernmost provinces, they were allowed to choose whether to apply religious law in family and inheritance matters or the general provisions of Thai civil and commercial law.

18. On the question of the age limit at which children could give testimony, he said that there was no actual limit and that if a child was able to understand and answer the questions put to him, he was allowed to testify. The prosecutor and the judge always treated such witnesses very gently. Under the new law, however, they would have the help of social workers and child psychologists, and children would be able to give their testimony over a closed television link.

19. The age of criminal responsibility was 14. Below that age there were two categories: if the child was under seven, no case was brought; between the ages of 7 and 14, a child offender had to be brought before the judge, who could then admonish the child and discharge him or summon the parent or guardian to give such an admonition. Or else the parents could be asked to provide a financial guarantee that the child would not repeat the offence. In extreme cases, the child could be sent to a special institution for a period of time. However, there was no provision for actual punishment of a child under 14. Between the ages of 14 and 18, the decision by the judge did not form part of the child's record and he would thus not be stigmatized because of an offence committed under the age of 18. In reality, a child who had to go to court at that age would feel sure that he was stigmatized. More work was needed on that point.

20. A question had been asked whether the juvenile court system could not be expanded to cover the whole country or, if that was not possible, whether the juvenile procedure could not be used in the ordinary courts. Government agencies and NGOs were constantly pressing the Court of Justice for that to be done, but it was always argued in reply that the Juvenile Procedure Act prescribed special institutions, social workers, detention centres, psychologists and so on, which the budget would not allow for. The juvenile justice system would be extended to the whole country as soon as possible.

21. On the question of the release by the media of information that was harmful to victims, he said that informal efforts had been made to persuade the press not to release the names or photographs of children. The new Child Welfare Act, however, currently before the Cabinet, contained a provision that would prohibit the media from publishing anything that would identify a child. Regarding pornography, he said that the current penalty for disseminating pornography was three years' imprisonment. Under proposed new legislation, the actual production of child pornography would be subject to a penalty of seven years' imprisonment. The simple possession of child pornography would be made an offence subject to a penalty of three years' imprisonment. But it would be a hard fight to have that provision adopted.

22. Regarding child pornography on the Internet, he said that several seminars on ways of controlling it had been held, involving members of Parliament, Internet service providers, law enforcement officers and the police. It had been agreed at the time that the service provider had a duty to delete such material, although many people argued that such information was a human right. Enacting a law on controlling pornography on the Internet was a matter of achieving the proper balance between freedom of information and the interests of the child. The issue was being hotly discussed in Thailand at the moment.

23. Mr. MUNTABHORN (Thailand) said that the situation of children in relation to the media and violence should be seen from the two angles of children as objects and children as consumers of violence, including pornography. Existing and pending legislation criminalized the manufacture, distribution and possession of pornography and therefore children, both as objects and as consumers, were already protected under law. However, the situation of computerized pornography had not yet been resolved. Hence, the Government had to consider the following issues: how to counter computerized pornography, including morphing or pseudo-pornography; to what extent technological solutions, such as computer bugs, could be introduced to combat such pornography; further legislative responses to bring criminal proceedings against anybody involved in the manufacture or dissemination of pornography, including Internet service providers; and the introduction of codes of conduct for the computer industry and service providers.

24. With regard to children as consumers of violence, including pornography, the extent of freedom of the press in Thailand meant a risk that certain individual rights might be violated; as yet, the use of Internet was totally unregulated. Steps should be taken to improve cooperation with the media, particularly to counter violence, and the practice of self-scrutiny by the media should be encouraged. In 1997, the Thai Journalists Federation had adopted a code of conduct, and a committee had been established to examine complaints against members of the profession. Legislation which protected children against media abuse included the 1991 Juvenile and Family Courts Act prohibiting the publication of a child's identity, and the child welfare law, which contained a similar provision. New measures to be taken in the future included a rating system for television programmes and films, cooperation between teachers, schools and parents to prevent children's access to violent programmes and information and the installation on computers of filtering systems to enable parents to block access to unsuitable material. Such measures called for cooperation with the computer industry and between schools, teachers and parents.

25. Ms. CHUTIKUL added that the Senate was drafting a proposal on the subject of pornography on the Internet, to be submitted to the Government. On average, five children a day were abandoned in hospitals in Thailand. A breastfeeding campaign was under way to encourage bonding between mothers and infants.

26. Mrs. KASHEMSANTA said that three types of indicators were used to assess children's development. The first covered basic minimum needs at the local level, and related to such matters as health, housing and education in general. The second set of indicators looked at similar basic minimum needs

data at the national level, in relation to children exclusively. The third set of indicators dealt with children's rights. Three workshops had recently been held, relating to health, education, and children in especially difficult circumstances, in order to show organizations working with children how best to use the information provided by indicators. The data gathered in that manner formed the basis of an Annual Report on the Situation of Children, which was submitted to the Cabinet. The National Assembly of Child Workers was convened every two years and its conclusions served as a basis for deciding future action by children's organizations.

27. Ms. CHUTIKUL, replying to Mrs. Mboi's question, said that civil servants were the only group whose salaries had not been reduced as a result of budget cuts. The current financial difficulties had made people more aware of funding issues and a number of watchdog organizations were monitoring public procurement activities, resulting in enhanced transparency. Regarding the definition of children, the Thai language included ten words to refer to different ages and, while Thailand had accepted 18 to be the age of majority when it acceded to the Convention, nonetheless it would take time to harmonize national legislation in that respect. The time was not right for Thailand to adopt a children's code as suggested by Mr. Kolosov, since national legislation was currently being revised to make it compatible with the Convention and, ultimately, to withdraw Thailand's reservations and to accede to other international instruments, including ILO instruments relating to children. She hoped that the Thai National Security Council could be persuaded to authorize the withdrawal of Thailand's reservations to the Convention on the Rights of the Child at the earliest opportunity.

28. Polygamy was illegal in Thailand, although some men had minor wives. Any resulting offspring, however, enjoyed full legal status provided they were recognized by the father. The practice of selling children into prostitution had been markedly reduced through awareness-raising campaigns. The provision of study grants should be accompanied by programmes to alert young people to the dangers of HIV/AIDS or venereal disease, and to enhance self-worth and pride. The number of child prostitutes had been reduced, although male street children were increasingly solicited by paedophiles who came to Thailand for that purpose. Consequently, the Government was working with NGOs to run "happy homes" to provide accommodation and schooling for street children. No statistics existed regarding the number of social workers and psychologists available to provide counselling, and further training of such specialists was certainly needed in order to implement the proposals that had recently been submitted for Cabinet approval. A particular emphasis was placed by the Government on the family, which was considered to be the basic social unit. As part of that policy, the National Plan of Action sought to encourage fathers to become more involved with their families, particularly at a time when more women were obliged to work as a result of the financial crisis. Thailand's intentions regarding the Convention on the Rights of the Child, specifically, were reflected in the recommendations contained in the report which were being implemented. Although much remained to be done, much had also been achieved since Thailand had signed the Convention in 1992.

30. Mrs. MBOI commended the campaign to involve men more closely in family life. She was concerned that the custom of breastfeeding was virtually non-existent and asked how the Government planned to encourage the practice

and to remedy the continuing high levels of malnutrition. She suggested that information on drug and substance abuse and on reproductive health could be incorporated in the school curriculum and requested information on the levels of smoking among teenagers, teenage pregnancies, abortion and suicides. What happened when fathers did not recognize their children by a minor wife? What percentage of children who required special schooling could be accommodated in the existing schools? Just how prevalent was sexual exploitation of boys, particularly street children, and what measures were being taken to prevent such abuse? What steps were being taken to prevent an increase in child labour, particularly under hazardous conditions, as a result of the economic crisis?

31. Mrs. KARP was concerned that the spirit of the Convention was not reflected in the provision of the juvenile justice system whereby only children over the age of 15 should be heard by the judge, and then only in connection with adoption. Budget constraints did not constitute a sufficient justification for the Government's failure to implement a juvenile justice system throughout the country, which amounted to effective discrimination against children in areas where the system was not operational. How long would it be before the juvenile justice system operated throughout the country? She was concerned that the provision whereby the aggrieved party could insist that a child suspect should be held in detention deprived children of any procedural guarantees; alternative solutions should certainly be examined by judges. The treatment of juvenile suspects in areas where the juvenile justice system did not yet operate was particularly unsatisfactory, as was that of immigrant children who were deprived of any guarantees whatsoever. The entire system needed to be thoroughly reviewed.

32. Ms. PALME was also concerned by the breastfeeding figures and suggested that deep-rooted attitudes would need to be changed. She asked how the safety of refugee children could be guaranteed. She welcomed the fact that fewer Burmese children were being repatriated, since they faced a very uncertain reception in their own country. She asked what plans the Government had for ensuring greater security for such children and their relatives, and how it envisaged returning them to a secure situation at home. In her own experience as a young woman, when Sweden had returned Baltic refugees to the Soviet Union, many promises had been made, but few had been kept, resulting in injury, and sometimes death, for returnees. Thailand should guard against the guilt that young Thais might feel about such action in years to come. Further to Mrs. Karp's question, she asked whether a start had been made on changing the procedures for the treatment of children in detention centres.

33. A World Bank booklet had analysed child labour in Thailand and attributed it to economic pressures. No money meant no education, and no education meant vulnerability and future joblessness, in a vicious circle that perpetuated poverty.

34. She was happy to note Thailand's eagerness to implement the Plan of Action established in the wake of the Stockholm World Congress against Commercial Sexual Exploitation of Children. While total success was unlikely, strengthening and educating the police, whose corruption did not help matters, would be a step in the right direction. There were constraints on any country endeavouring to promulgate new laws, a case in point being the connection

between freedom of expression and pornography. While Thailand was doing its utmost to safeguard Thai children, she wondered what mechanism was in place for protecting foreign children, who, for fear of returning home, lived in harsh circumstances in Thailand.

35. Mrs. MOKHUANE said that, while detailed information had been supplied on the treatment of children in alternative care, nothing had been said about periodic monitoring. Also, the legal framework for family reunification had been described and targets listed, but no information had been given concerning the obstacles encountered there, or maintenance recovery. She wished to know what professional groups were doing to facilitate family reunification; whether weekend passes were issued, and whether any pre-discharge monitoring mechanism existed.

36. While aware that the economic crisis had impeded the progress of many health projects, she wished to know which had been implemented and which had not. Much had been said about the challenges facing the country with regard to HIV/AIDS and drug trafficking, but nothing about the hurdles to be overcome or the ways in which the problems would be addressed. Although child leisure and play programmes existed, she wondered whether there were any to promote mother-and-child interaction through play in order to encourage bonding and, if so, what results they had yielded.

37. Mr. KOLOSOV said that, given the relative transparency of Thailand's boundaries, it was vital that cooperation with neighbouring countries be established in social fields, such as refugee and migrant children and drug and child trafficking, which were essentially cross-border concerns that could be attenuated through bilateral agreements. He wished to know whether Thailand had proposed any such arrangements to its neighbours, and whether they in turn had raised objections that could exacerbate problems relating to certain classes of refugees, such as the Karens.

38. Mr. FULCI commended the delegation on the lucid and comprehensive statement introducing its report. With regard to the definition of the child, he called for harmonization of the age limits established by the various laws. He was particularly dismayed by what was the lowest age of criminal responsibility in his experience. He urged the Government to raise it, and asked whether Parliament or the Committee on Children, Women and the Elderly had given the matter consideration. He also recommended more strenuous efforts to increase educational opportunities for children in Thailand, in order to delay their entry into the labour market. With regard to birth registration, more consideration should be given to regularizing the status of peoples, especially the nomadic tribes.

39. On the thorny question of child sexual abuse, he pointed out that Professor Muntabhorn was a world authority on the subject, whose opinions and presence were often sought at international forums. As the Government was well aware, many industrialized countries considered Thailand to be a child-abuse paradise. Italy had recently enacted legislation prescribing a very harsh penalty of 21 years' imprisonment - hitherto unheard of - for any Italian citizen perpetrating crimes of sexual cruelty, even as far away as Thailand. Such an exemplary law could only be enforced, however, with international cooperation. The delegation's opening statement had emphasized the need to

enact new laws; he would therefore ask the Italian Government to have its sexual exploitation law translated into Thai for Thailand to use as it saw fit. That law would be valid against child trafficking both inside and outside Thailand.

40. He was pleased to learn that Thailand would be addressing the problem of corporal punishment, and drew attention to a recent United States enactment on the subject, which could serve as a model. He regretted to say that Thailand had the worst HIV/AIDs record in the Far East; while the disease had been addressed with some success among the adult population, much more needed to be done for affected children.

41. In view of the massive influx of refugees into Thailand, he urged the Government to accede to the 1954 Convention relating to the Status of Refugees and its 1967 Protocol. If, as Thailand claimed, it was already enforcing many of the provisions of those two instruments, what were the obstacles to its accession? Also, Thai legislation should in no way discriminate against refugees or displaced persons. All children were children of God, irrespective of their nationality. Urgent action was called for in order to reduce the percentage of foreign children used for child prostitution and child labour, which were frankly a disgrace and sorely damaged the image of an otherwise beautiful and hospitable country.

42. Mr. RABAH said that, owing to the constraints on the Government's budget, the Ministry of Justice and the Ministry of Labour and Social Welfare were understandably reluctant to build new juvenile rehabilitation institutions. He wondered, therefore, whether NGOs were in a position to help and what the current situation was. In the absence of such centres, he also wished to know what became of juvenile offenders and whether they were placed with adults. He asked for information concerning judgements rendered by the courts, the fate awaiting juvenile offenders, and the mechanisms for reintegrating them into society. He would like to know whether seminars on the juvenile justice system were organized for judges, lawyers and social workers.

43. Mrs. OUEDRAOGO asked whether children's health was affected by traditional practices, especially in the countryside. She would also like to know how teenage mothers were treated by society. Could they continue to attend school? She sought reassurance that they were not excluded. She asked for information concerning the conditions of access and the selection process for the special school for disadvantaged children, set up under the King's patronage, and wondered what plans there were for children prevented by family responsibilities or other problems from attending any kind of school, and who were therefore at greatest risk from child prostitution and pornography and all that those evils entailed.

44. Many problems occasioned by Thailand's opening up to the outside world and the impact of the economic crisis on families could be solved by strengthening the family and family values. She had been greatly heartened by the progress made, and hoped that the Government would succeed in mobilizing human and financial resources for that purpose. She repeated her question

concerning the cooperation of the chiefs and the more traditional sectors of society for achieving attitudinal change, since they were well placed to bring it about.

45. Mrs. KARP, returning to the juvenile justice system, said she had noted that if a child offender was under five years of age, it could be arranged for the prosecutor to close the file and place the child in an Observation Centre for a period not exceeding two years. In that event, how were the child's deep-seated problems addressed? If the child was placed in an Observation Centre without going through the courts, who would protect the child from the influence of the Centre's officials, which might not be in the best interests of the child, especially if no offence had actually been committed? She also wished to know what legislation and action existed to ensure that a child subjected to commercial sexual exploitation was treated as a victim instead of an offender.

46. The CHAIRPERSON said that owing to time constraints the delegation would be unable to answer each specific question, and requested it to transmit written replies to those questions from Bangkok at its earliest convenience. She nevertheless invited it to reply to the questions concerning its reservations.

47. Ms. CHUTIKUL (Thailand) accepted the Chairperson's suggestion.

48. Mr. GARNJANA-GOONCHORN, replying to Ms. Palme and Mr. Kolosov, explained that thousands of Karen refugees displaced into Thailand as a result of ongoing historical conflicts had been housed for some 30 years in shelters along a rugged and sparsely-policed 2,000-mile stretch of the Thai-Burmese border. Thailand, abiding by its humanitarian principles, had always rendered them assistance. One reason those refugees preferred the border area was that it was close to their own roots, so that when the fighting abated they could easily return to their former lives. By the same token, their proximity to the border exposed them to armed attacks from Burmese forces and from compatriots of a different religious denomination. He did share the Committee's concern, but for the past 10 years, a consortium of NGOs, with an annual budget of approximately US$ 5 million and unrestricted access to the refugees, had tended to their safety and daily needs.

49. The cases of displaced persons denied entry to Thailand, or returned to their countries once in Thailand, had been an aberration, rather than the norm. There had been no further instances once the Government had been apprised of the situation. There had been reasons for those unwelcome events, such as deep-rooted differences between the local and refugee populations or environmental degradation. However, the problems were not without solutions. Dialogue, in which he was personally involved, had been in progress for the past year with the international organizations, both in Geneva and Thailand, on ways of solving the problems along the Thai-Burmese border. A presence of the Office of the United Nations High Commissioner for Refugees (UNHCR) had recently been established in the area, and it had been agreed that clear admission criteria would be set, and the camps' safety and security ensured.

50. In an effort to stave off armed attacks, some refugees had already been relocated away from the border area, and more were to follow. UNHCR, part of

whose special mandate was to cater for refugee women and children, would assist with the registration of the displaced persons and help them to return to their homes once the fighting ceased and Myanmar was safe again. Field offices were being set up at three sites along the Thai-Myanmar border, and the transparency of all governmental action would be ensured by the new procedure for admission and return. Thus Thailand should not be judged by its failure to ratify the Convention and Protocol relating to the Status of Refugees, or by its reservations with respect to articles 7 and 22 of the Convention, but by its actions and its humanitarian record, which was second to none.

51. Efforts to engage international cooperation on refugees, illegal immigration and related problems were continuing. A role as go-between between the governments of Thailand and Myanmar was being envisaged for UNHCR, on the lines of UNHCR action in the case of Bangladesh and Myanmar. With regard to other neighbouring countries, joint commissions were in place to consider bilateral issues. At regional level, there was ongoing discussion within the framework of the Asia Pacific Intergovernmental Consultation on Refugees, Displaced Persons and Migrants, while in the context of the Manila process the International Organization for Migration (IOM) had sponsored a seminar on irregular migration and trafficking in south-east Asia. In view of the exacerbation of the illegal migration problem in the wake of the economic crisis, Thailand was planning to host a high-level symposium involving all countries in the region, in an attempt to establish an ongoing dialogue on the problem of undocumented migration leading to determination of a plan of action. Thailand would be seeking support for those plans at the forthcoming meeting of the UNHCR Executive Committee. A number of donors, including the United States, had already given a positive response.

52. Ms. CHUTIKUL (Thailand) said that, with respect to cross-border trafficking in women and children for purposes of prostitution, the six countries of the Mekong region - Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam - were working on ways of dealing with the issue through bilateral agreements. Two meetings had been held in the region in 1997, one sponsored by the Canadian Government and the other by UNICEF. A number of detailed procedures had been agreed, which each country was to work on separately in preparation for a third regional meeting in December 1999, when the work would be finalized. In that way it was hoped to address all the issues that led to such women and children returning almost immediately to Thailand when repatriated.

53. Mr. MUNTABHORN said that under Thai criminal procedure juveniles under 17 years of age brought before the courts were entitled to counsel assistance upon request.

54. In response to the question on extraterritorial legislation, legal assistance was provided in other countries on a reciprocal basis. With regard to offences committed in Thailand and tried elsewhere, a ground-breaking step had been taken in 1993 when a Swedish national had been tried and convicted in Sweden for an offence committed against a Thai boy in Thailand. Swedish and Thai teams had cooperated in the initial investigation in Bangkok and the victim had been taken to Sweden to testify when the case was heard. The case had led to other countries enacting similar laws. Joint action on a number of

cases of the same kind was currently being undertaken with Belgium, France, Switzerland and Germany. Copies of the legislation in question had been sent for information to all embassies in Thailand.

55. Ms. CHUTIKUL said that in the draft 1999 budget, which was being debated in Parliament, the proportion allocated to the social sector came to 40 per cent of the whole, or some US$ 8 thousand million. Thus social needs were not being neglected, despite the economic crisis.

56. The CHAIRPERSON, thanking the delegation for its cooperation, said that the information provided on the treatment of refugees in Thailand gave the Committee reason to believe that there was little need for Thailand to maintain its reservations with respect to the Convention. All that appeared to be lacking was enactment of the relevant domestic legislation. She invited Committee members to submit their preliminary observations.

57. Mrs. MBOI, welcoming the comprehensive report and the constructive dialogue engaged in by the delegation, said she had particularly appreciated the presence of two children in the delegation, which had helped the Committee to see the issues involved through a child's perspective. The Government's cooperation with national and international non-governmental organizations and international bodies, in the review and amendment of national policy and legislation to comply with the provisions and principles of the Convention, was commended.

58. She encouraged Thailand to increase its efforts to disseminate the Convention, to provide training on child rights and to build networks of advocates for child rights and partnerships for children across all sectors of society and in all areas of the country. She urged that law enforcement should be strengthened and efforts made to gather together all legal provisions relating to children in a comprehensive Children's Code.

59. She welcomed the fact that through its development and other plans Thailand was expanding its services to vulnerable and disadvantaged groups. The extension of compulsory education to the age of 12 and the raising of the minimum age of employment from 13 to 15, which paved the way to ratification of ILO Convention No. 138, were also applauded. However, Thailand was urged to increase its efforts to combat corporal punishment, including sexual abuse, in the family, school and community at large. The campaign to strengthen the family by bringing fathers back into the home was praised.

60. Despite improvements in child health and nutrition, concern was still felt over poor breast-feeding practices and the occurrence of malnutrition in some vulnerable and disadvantaged groups of children. Efforts to combat those problems, if necessary in cooperation with international agencies, should be increased to ensure that every child had access to basic health care. The efforts being made to combat exploitation of children, particularly with respect to extreme forms of labour and sexual exploitation, should be continued and increased.

61. Mr. FULCI, joining in the thanks expressed to the delegation, said it was clear that Thailand was making considerable efforts to implement the Convention and to engage in constructive dialogue with the Committee. He particularly appreciated the presence of the two children on the delegation.

62. Much, however, still remained to be done with regard to law enforcement, provision of training in child rights for the police and the judiciary, eradication of corruption and overcoming cultural and social prejudices. It was admittedly no easy task to change attitudes, but it was one that had to be firmly undertaken. Nevertheless, he welcomed the strong human rights element in the new Thai Constitution, which indicated the way forward.

63. Mrs. KARP said the inclusion of children in the delegation had given the Committee a welcome opportunity to ascertain children's views. Although Thailand was making very commendable efforts towards ensuring respect for children's rights, a number of problems remained. An effective system for collection of data relevant to monitoring implementation of the Convention was needed. Further efforts should also be made towards decentralization. There was a need for greater education on children's rights at local level and among professionals. More needed to be done to change traditional attitudes towards children and to lead them to be regarded as holders of rights. She urged the Government to implement its undertaking to translate the Convention into the languages of the country's minorities.

64. The report, after its consideration of the situation relating to each aspect of the Convention, had listed the relevant problems and mentioned possible solutions. Implementation of those solutions with the help of concerned non-governmental organizations would go a long way to overcoming the problems. The introduction of a Children's Code bringing together all legal provisions relating to children would provide a unified approach that would focus on the concept of rights in addition to the welfare and protection of children.

65. In addition to the protection against violence afforded children under the new Constitution, she urged Thailand to include caning among the punishments it outlawed. Furthermore, maltreatment, including corporal punishment, should be prohibited not only within the educational environment but also within the family. Families should be assisted to adopt alternative measures, so that children were protected against any form of violence, including what was termed reasonable chastisement.

66. She recommended that the whole system relating to deprivation of the liberty of children should be reviewed, that children under 14 years of age should be dealt with by means of civil rather than criminal proceedings and that the protection of the juvenile justice system should be extended up to 18 years of age.

67. The CHAIRPERSON said it was understandable that at a time of severe economic recession Thailand would have to give careful thought to its priorities for action. However, the Committee hoped it would uphold its commitment to the Convention and continue its work to protect the rights of all children living in the country. Although law could be reformed, attitudes could not be changed by legislation. The Government was therefore encouraged

to engage in discussion with various local and tribal leaders, with the non-governmental community and with children themselves in promoting the rights of the child. The submission of Thailand's initial report was just the beginning of a continuing process. Since popular participation was crucial, it was hoped that the list of issues, Thailand's responses and the Committee's final observations and recommendations would become the subject of discussion among the various partners in the interval before the next report was prepared, from which the Committee would seek to determine how far the goals set had been reached. In that process it was not the Committee's task to look into which conventions relating to human rights Thailand had ratified, although it would of course be happy to see the country take further steps in that direction.

68. Mr. GARNJANA-GOONCHORN (Thailand) said he had been gratified by the fact that the Committee, while being firm and probing in its questioning, had nevertheless shown understanding of the difficulties involved in coping with the current economic crisis and in overcoming long-held traditional and cultural attitudes. Thailand would give serious consideration to the recommendations the Committee would be making, but it should be remembered that in making reforms it was important to move at a pace compatible with bringing the general public on board and keeping it on board. In that context, the new Constitution represented a genuine, peaceful, people's revolution in Thailand, introducing a whole new way of thinking. What was more, it was not merely a paper tiger, but one with teeth and claws. Mandatory provisions were in place to ensure that the reforms it introduced would be implemented. Clearly the volume of existing legislation to be reviewed and recast to bring it into line with the new Constitution was enormous and would place a considerable burden on Parliament. However, it also gave grounds for hope as it was an expression of the desire in Thailand for civil society, transparency, accountability and good governance, which in turn would have a necessary impact on children's rights. With regard to the continuing reservations with respect to articles 7 and 22 of the Convention, he would personally make every effort to have the situation reconsidered when Thailand was making its periodic review of reservations to Conventions.

69. Ms. CHUTIKUL (Thailand) said that the Committee's comments and recommendations would be useful in further work to improve children's rights in Thailand. Written answers to questions asked during discussion of the report would be provided to the Committee as soon as possible. Thailand tended to take a holistic view of children, not regarding the child only from the legal, health or other single viewpoint. It also considered spiritual development an important factor in the child's evolution as a human being. Thailand was experiencing a period of rapid change, in which it was hoped that children would also participate. Judges in Thailand occupied a position that was greatly respected; seminars were therefore the vehicle generally used for raising their awareness, rather than the common training courses. Pointing to the length of time it had taken to change world attitudes towards smoking, she appealed to the Committee's understanding of the need to take slow, small steps in order to reach the country's ultimate objectives. In conclusion, she said that Thailand would welcome a visit by Committee members to see the situation on the ground.

The meeting rose at 1.10 p.m.